

United States District Court
for the
Western District of New York



In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address.)

Subject Device 1 is an iPhone cellphone, Model: A1778 FCC ID: BCG-E3091A IC:579C-E3091A, Black; **Subject Device 2** is a Samsung cellphone, Model: SM-N915V, SKU:SMN915VZKE, FCC ID:A3LSMN915V, IMEI:990004841772886, Black

Case No. 17-M- 154

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the Western District of New York, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 21 U.S.C. §§ 841, 843 and 846.

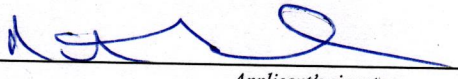
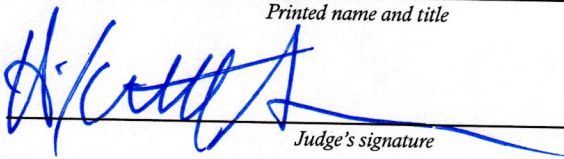
The application is based on these facts:

- ☒ continued on the attached sheet.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: December 6, 2017

City and state: Buffalo, New York


Applicant's signature
NATHAN S. SHUMAKER
TASK FORCE OFFICER
DRUG ENFORCEMENT ADMINISTRATION
Printed name and title

Judge's signature
HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE
Printed name and Title

ATTACHMENT A

DESCRIPTION OF DEVICES TO BE SEARCHED

Subject Device 1 is an iPhone cellphone, Model: A1778 FCC ID: BCG-E3091A IC:579C-E3091A, Black; which was recovered by law enforcement on November 29, 2017, and is currently in the care and custody of Niagara County Drug Task Force.

Subject Device 2 is a Samsung, Model: SM-N915V, SKU: SMN915VZKE, FCC ID:A3LSMN915V, IMEI: 990004841772886, Black; which was recovered by law enforcement on November 29, 2017, and is currently in the care and custody of Niagara County Drug Task Force.

AKA

12/6/17

ATTACHMENT B

LIST OF ITEMS TO BE SEARCHED FOR AND SEIZED

Evidence and instrumentalities concerning violations of Title 21, United States Code, Sections 841(a)(1), 846; and Title 18, United States Code, Sections, 924(c), and 2, as follows:

1. Items relating to the proceeds of the sale of controlled substances, the trafficking and/or distribution of controlled substances;
2. Items relating to the possession, purchase, sale, or transfer of firearms or ammunition;
3. Any and all stored content tending to prove relationships between any co-conspirators or any acts furthering the unlawful drug trafficking, including all text messages (incoming and outgoing), recent calls (incoming and outgoing), missed calls (incoming and outgoing), contact list, appointment calendar, photographs, videos, notes, and reminders.
4. Items demonstrating ownership, use, and/or control of each subject device.

AFFIDAVIT IN SUPPORT OF SEARCH WARRANTS

STATE OF NEW YORK)
COUNTY ERIE) SS:
CITY OF BUFFALO)

NATHAN S. SHUMAKER, a Task Force Officer of the Drug Enforcement Administration (DEA), United States Department of Justice, Buffalo, New York, having been duly sworn, states as follows:

1. I am a Niagara County Sheriff Deputy employed by Niagara County since March, 2003 . I began my assignment as a Task Force Officer (TFO) with the United States Drug Enforcement Administration (DEA) in the Buffalo Resident Office on May 1, 2017. I am presently assigned to the DEA Task Force, and as such I am an "investigative or law enforcement officer" of the United States within, the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 21, United States Code, Section 801, and Title 18 USC 924(c) *et seq.*

2. During my law enforcement career, I have participated in numerous investigations targeting individuals engaging in the trafficking and distribution of narcotics. Based on my training, experience in law enforcement, and conversations with DEA Special Agents (SA's) and Task Force Officers (TFO's), and other law enforcement officers, I am familiar with how controlled substances are cultivated, manufactured, processed, packaged,

distributed, sold and used by individuals involved in drug trafficking activities, and how drug traffickers use electronic communications to facilitate their illegal activities. As a result of my training and experience, I am familiar with the language, conduct and customs of people engaged in narcotics transactions conspiracies. My investigative experience, as well as the experience of other law enforcement agents who are participating in this investigation, serve as the basis for the opinions and conclusions set forth herein.

3. This affidavit is being submitted in support of search warrants for which there is probable cause to believe that **LEON WILLIAMS** committed violations of Title 21, United States Code Section 841 (a)(1) and 841 (b)(1)(C), possession with intent to distribute and distribution of, heroin, a Schedule II controlled substance).

4. This affidavit is being submitted in support of a Federal Search Warrant for the following facilities:

- a. iPhone cellphone, Model: A1778 FCC ID: BCG-E3091A IC:579C-E3091A, Black.
- b. Samsung cellphone, Model: SM-N915V, SKU:SMN915VZKE, FCC ID:A3LSMN915V, IMEI: 990004841772886, Black

(hereinafter referred to as the "Subject Devices") for evidence of violations of Title 21, United States Code, Section 841(possession of a controlled substance with intent to distribute). The particular items/information to be seized from the Subject Devices are more fully described in **Attachment A**, which is attached hereto and incorporated herein by reference as though set forth fully herein.

5. The Subject Devices sought to be searched were recovered by law enforcement on or about November 29, 2017 during the execution of a search warrant issued by Niagara County State Supreme Court Justice Richard Kloch; said search warrant was for the person of **LEON WILLIAMS**, the residence at 37 Texas St., Buffalo, NY, and the vehicle registered to **WILLIAMS** bearing NY REG HMG3737.

BACKGROUND

6. In September 2017, the DEA Buffalo Resident Office (BRO), began an investigation into the narcotics distributing activities of **WILLIAMS**. Information had been received from a Confidential Source, hereafter referred to as the CS, that **WILLIAMS** was distributing heroin from his residence at 37 Texas St. in Buffalo, NY. Said CS was utilized by Niagara County Drug Task Force (NCDTF) in conjunction with Buffalo DEA.

7. On November 28, 2017, TFO Nathan Shumaker and NCDTF Investigator Kevin Smith obtained a search warrant issued by State Supreme Court Justice Richard Kloch for the residence located at 37 Texas St., Buffalo, NY, the vehicle bearing NY REG HMG3737, a 2007 Audi Q7, and the person of **LEON R. WILLIAMS**, date of birth: 06/16/1979.

8. On November 29, 2017 members of Buffalo DEA BRO along with NCDTF observed **WILLIAMS** leave his residence at 37 Texas St., Buffalo, NY and enter his 2007 Audi Q7 bearing NY REG HMG3737. **WILLIAMS** then traveled north on Bailey Ave and was observed exiting said vehicle and enter a dry cleaner on Bailey Ave. Upon exiting the

business, **WILLIAMS** was taken into custody by Buffalo DEA BRO and NCDTF members without incident.

9. **WILLIAMS** was brought back to his residence at 37 Texas St., Buffalo, NY where TFO Nathan Shumaker used keys given to him by **WILLIAMS** to gain access to the side door at 37 Texas St., Buffalo, NY. Once inside the residence, **WILLIAMS** was given a copy of the search warrant in the front living room. Members of DEA BRO and NCDTF then conducted a search of 37 Texas St., Buffalo, NY.

10. During the course of the search multiple small bags containing an off-white substance and a brown powdery substance were located on the kitchen table. Scales, razor blades and cutting agents were also located on the kitchen counter. A larger bag was located on top of the refrigerator that contained a brown powdery substance. A combined weight of the suspected narcotics yielded 46 gross grams. All suspected drug evidence was secured by NCDTF for processing. Based on the amount of the substances and the associated paraphernalia found nearby, along with my training and experience, I believe the defendant possessed these substances with intent to distribute them, not for personal use.

11. I have examined the above described substances and based on my training and experience I believe they contain controlled substances based on their color, consistency and texture, the manner of packaging, the paraphernalia located nearby. Additionally, the defendant admitted the substances contained heroin and cocaine to members of law enforcement.

12. As part of this investigation, DEA personnel have not conducted a presumptive field test of the powdered substances encountered on November 29, 2017, which, for the reasons indicated above, DEA has probable cause to believe constitutes a controlled substance, as defined by the Controlled Substances Act of 1970, as amended, 21 U.S.C. § 801 *et seq.* The decision to not conduct such a test is due to the significant threat to law enforcement personnel, first responders, and members of the public by fentanyl, fentanyl-related substances, synthetic opioids, and other powders which may be composed in full, or in part, of one of these aforementioned substances. Only trained personnel, in a lab environment, with necessary personal protective equipment (PPE), should be conducting such tests, and they should be conducted in a controlled, safe environment. Conducting tests in an uncontrolled environment, and without proper PPE, poses an undue risk and could result in serious bodily injury or death to those unknowingly exposed to fentanyl, fentanyl-related substances, or synthetic opioids.

13. In the front living room located near a fireplace were two (2) windows that had black plastic sheeting across them. Behind the black plastic was a Glock 22, .40 caliber firearm, bearing serial number AZM814, and a .40 caliber magazine containing 10 rounds of ammunition was loaded inside the firearm. On the second window sill, behind the plastic sheeting, was a high-capacity¹ magazine for a .40 caliber firearm. All firearm evidence was secured by NCDTF for processing.

¹ A capacity of 29 rounds of ammunition could be loaded into the magazine, however that magazine was found to be empty.

14. In the dining room was a Hoover vacuum cleaner. U.S. currency was located in three separate quantities inside of a vacuum cleaner, inside of a backpack located in a bedroom on the first floor of the residence, and within a drop ceiling that ran between two of the bedrooms. In total, the U.S. currency totaled \$73,743.00. All U.S. currency was secured by DEA agents and property receipts were issued and signed for by **WILLIAMS**.

15. NY REG HMG373 was searched by NCDTF Investigators with negative results. The vehicle was left locked in the driveway at 37 Texas St., Buffalo, NY.

16. The aforementioned Subject Devices were located inside NY REG HMG3737 and seized pursuant to the signed state search warrant.

17. While your Affiant, beyond that information set forth above, has no specific information that information pertaining to narcotics trafficking are presently being stored within the identified facilities, based on my training, my experience, my participation in this investigation, and my discussions with other experienced law enforcement personnel, I have learned:

a. That narcotics traffickers frequently maintain records, notes, ledgers, and other digital records relating to the transportation, ordering, sale and distributions of controlled substances, including cocaine. Furthermore, I know that the aforementioned records, notes, ledgers, etc., are generally maintained where the traffickers have ready access to them;

b. That narcotics traffickers commonly maintain records of telephone calls, addresses or telephone numbers in cellular telephones which reflect names, addresses and

telephone numbers of their associates in their narcotics trafficking organization, as well as photographs of themselves and their drug trafficking associates; and that

c. Based on your Affiant's training, experience, and information obtained during this investigation, drug distributors utilize multiple cellular telephones and other electronic devices, such as computers, to facilitate narcotics trafficking.

18. Accordingly, I submit there is probable cause to believe that evidence and instrumentalities of narcotics trafficking and proceeds from sales of illegal narcotics, will be found within Subject Devices. The specific evidence in this regard is detailed in **Attachment A**, the Description of Devices to be Searched.

AUTHORIZATION TO SEARCH AND SEIZE

19. Accordingly, the application seeks authorization to search for and seize, from the identified facilities listed in **Attachment A**. I believe evidence of narcotics trafficking will be found within the identified facilities. The specific evidence in this regard is detailed in the Schedule of Items to be seized listed in **Attachment B**.

CONCLUSION

WHEREFORE, based on the foregoing, I respectfully submit that there is probable cause to believe that located within the Subject Devices there is evidence, fruits and instrumentalities of violations of Title 21, United States Code, Sections 841 (possession with intent to distribute and distribution of controlled substances); 846 (conspiracy); and Title 18, United States Code, Section 924(c)(possession of a firearm in furtherance of a drug trafficking

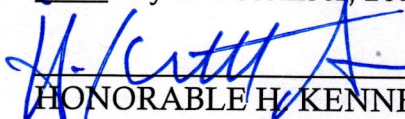
crime). I therefore respectfully request that the proposed warrants be issued, authorizing a search of the Subject Devices described in **Attachment A** for the items listed in **Attachment B**.



NATHAN S. SHUMAKER
Task Force Officer
Drug Enforcement Administration

Sworn to before me this

6th day of December, 2017



HONORABLE H. KENNETH SCHROEDER, JR.
United States Magistrate Judge

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